# Wanted: A League of Nations Likely to Promote Peace

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I AM in agreement with those who believe that the nations should set up an international council to promote conference and conciliation, to bring nations with divergent interests together around a council table under conditions which will tend to promote mutual confidence, remove misunderstanding and generate an atmosphere out of which peace may grow. I am heartily in favor of an international machinery of that sort. When in the course of the debates which must come in the Senate, and when we have before us the draft which was originally submitted to the Peace Conference by President Wilson and his fellow-commissioners, I venture the prediction that that document will be found to contemplate a council aimed at conference, at conciliation, at diplomatic approach, at publicity, at the abolition of secret treaties, at the multiplication of cooling off periods, and all the other things which are wholly good and admirable. I hazard the surmise that his original draft did not contain the provision which is central in the document that is under consideration by the country today, namely, the provision for a body which is not diplomatic, a council which is not a council of conciliation, but an international voting trust of nine nations dominated by five, in which there resides far-reaching political power. Such a voting trust of nine nations dominated by five, backed by force and holding political power in its hands, is far removed from the ideals which the President has proclaimed.

There is one provision in the Constitution of the United States which above all the others is the secret of its success. It is the provision that the judicial power of the United States shall be vested in one supreme court and in such other courts as Congress may from time to time establish. Suppose that the Constitution of the United States had provided that the judicial power of the United States should be vested in the Cabinet of the President. What success would have attended our constitutional experiment?

We have a great responsibility. We have to do the thinking on this subject; because unless we are impressed with the necessity of thinking the less thoughtful people of the country are not going to allow the Senate of the United States the time to give unhurried consideration to this document. The time to amend it is before we go in and not afterwards. While the Constitution of the United States can be amended by the action of Congress and of a certain percentage of the state legislatures, this document cannot be amended save by a majority vote of the many nations of the world which are going to be parties to it.

Under ordinary conditions, when commissioners come back from an international conference, bringing the product of their conference with them, they take it to the White House and lay it upon the table of the Chief Executive and he subjects it to calm and judicial review. He calls the Senate to his aid and asks their advice and between them they amend the document until, in their judgment, it is safe for the interests of the American people. I have no disposition to criticize the President in any respect whatever; but I wish to point out a single important fact. When Mr. President went abroad and became a commissioner, he did a thing which it may be was right, it may be was wrong, it may be was wise, it may be was unwise. I am not concerned with that. But when the commissioner comes back bringing the treaty and the constitution with him, he comes back from the superheated atmosphere of conference, committed to the document which he brings, with the pardonable pride of joint-authorship; and when the commissioner brings that document to the table in the White House he finds the chair of the Executive empty. There is nobody there to examine this document judicially and calmly; and, unless the Senate of the United States is called upon to give unhurried consideration to this document, the United States will be committed to it in spite of the safeguards of the Constitution of the United States. No man should be so much in earnest in his quest of a constitution for the world as to be willing to jeopardize the constitutional operations of his own government.

This is the greatest thing that is going to come before any of us in our time. Let us take it up calmly as a matter of constitutional analysis and see where we stand. I use an analogy to

make plain the situation which is before the country today. If there were a case of great importance pending in one of the lower courts of the United States and the Chief Justice were to step down from the Supreme Bench and go into that subordinate tribunal, take the decision of the case out of the hands of the lower court, decide it himself, and hurry back to the Supreme Bench in time to hear the appeal from his own decision, you would feel that the judicial machinery of the United States was breaking down. And unless the President insists that the Senate of the United States shall have a calm and unhurried opportunity to consider this document, free from executive pressure or popular clamor, it will be precisely as if the Chief justice, having returned to the Bench in time to hear the appeal from his own decision, had refused to permit associate justices of the court to sit with him and participate in the deliberation. We cannot have a more serious constitutional situation confronting us. We are face to face with a civic responsibility which is just as great as any in the history of the United States.

My contention is that we have to amend this document before we adopt it, and we have to amend it in a number of vital particulars.

Among others, we have to amend it in respect to what I call the international voting trust which is stowed away in the body of this document in such fashion that nine nations, dominated by five, have the ultimate right of final decision, by a 7 to 2 vote, of every question—legal, political, quasi-legal and quasi-political—which can arise between any nations of the world and which one of the parties to the dispute does not choose to arbitrate. We are told that unanimity in that council is necessary to the giving of a final decision. But this is in plain violation of the express language of the document, which declares that decision shall be final when it is the unanimous decision of the nations represented in the council, excluding the parties to the controversy. Just as soon as you get rid of the principle of unanimity, and introduce the principle of majority and minority action, you transfer your device from the diplomatic conference region into the governmental area, and you set up a legislative machine which necessarily in deciding against the minority deprives the minority of its sovereign powers.

Moreover, it is provided that whenever either of the parties to an international dispute refers the dispute from the council to the assembly, the assembly's decision may be final. When it is unanimous? No. When it is unanimous but for the parties to the controversy? No. When it is unanimous but for the parties to the controversy as respects the nations represented in the council and then when it is backed by *a majority vote* in the assembly outside of the nations represented in the council. Take a practical illustration. A dispute arises between us and Great Britain. (Do not think for one minute that in using an illustration that concerns Great Britain I wish to appeal to what I regard as the ungrateful, unintelligent and perverse attitude of many of my fellow-citizens toward Great Britain; I am taking it merely as a definite, concrete case within the grasp of all of us.) If a dispute under this document arises respecting our protective policy, as to whether or not we are according equality of treatment to the commerce of all nations, what happens? It goes, if we do not arbitrate it, automatically to the council of nine. If one of the parties then refers it within fourteen days, it goes to the assembly. It is now before the assembly for decision. How is it going to be decided? You first poll the nine nations in the assembly who are represented in the council. You exclude the two parties to the dispute—Great Britain and the United States. If the seven vote one way on that proposition, you then poll the assembly. If a majority of the assembly votes with the seven members of the council, the disputants are bound by the decision. If the decision is adverse to the United States, we are bound. And I challenge a senator of the United States, or a chairman of a committee on foreign relations, or a vice-president, or a president, or anybody else, to answer the proposition that when you have set up in an international treaty a provision for the majority decision of international questions, you have set up a supergovernment. You have established a governmental body and you have bound the parties by covenant to abide by its decision. You may quibble about terms; but the substance of the thing is there. It jeopardizes the sovereignty of the United States. You poll the nine nations. Great Britain, were she not a party to the dispute, would have one vote, her Imperial vote in the council of nine; but, being a party, she does not vote. Seven

votes are cast in her favor. Subtract the nine from the forty-five nations in the assembly and you get thirty-six, of which a majority would be nineteen. Great Britain starts with five votes toward her nineteen, because her self-governing colonies have five votes apart from the Imperial vote. If the issue were one in which the fourteen South American countries were favorable to the British view of that controversy, Great Britain's vote and the South American vote in the assembly would bind the United States. We covenant that we will not go to war against the successful disputant who submits to the conditions of the decree. You have then an international steam-roller which is going to be an engine for the political determination of the affairs of the world. It is not the thing which President Wilson dreamed of, not the thing he preached, and not the thing for which he contended. It is the work of subtle diplomats of the old world. It is a clever piece of political machinery designed perpetually to control international affairs. I know a voting trust when I see it. I have drawn them in my time. It is as clever a reorganization voting trust as you ever saw.

But its advocates blandly say, "Yes, but we have the right to withdraw." The right to withdraw from what? You have got hold of the tail of the bear and you have a right to let go! If it is going to be a steam-roller we have reserved the right to get out of it and stand in the track. It is always safer for the United States to be in this thing than out of it.

They say the Monroe Doctrine is safe-guarded. I could show you, if the time at my disposal permitted, that the greatest mess is made of the Monroe Doctrine in the 21st Article of this covenant that has ever been made by any body that has dealt with this subject.

With regard to the amendments which have been proposed, the most friendly and constructive were those which were proposed by Senator Root. They dealt with the things that are essential to the promotion of peace; and the Conference has rejected every one of the Root amendments. Every one was rejected by the Peace Conference, with the result that the three stumbling blocks in the way of promoting peace are perpetuated in this document. What are they?

The nations have always refused to set up a High Court and

refer to it the questions of international law which must receive the consideration of a judicial tribunal if the world is to be ruled by law and right and not by might. Senator Root's amendment on that subject was rejected by the council.

The second thing which has always placed obstacles in the path of peace is the optional character of arbitration. Senator Root required by his amendment that the parties should be bound to submit to arbitration all justiciable questions—that is, the kind of questions that courts among us every day decide. And they rejected that. They prefer to send justiciable questions, the kind of questions the Supreme Court of the United States decides, to the international voting trust, which is an executive body, like the President's Cabinet.

The third obstacle in the way of peace has always been the refusal to limit armaments. Mr. Root pointed out that under this document there is no right on the part of the league to inspect the condition of munition manufacture in any nation and no right to verify the reports that the nation sends in; therefore he proposed an amendment that there should be a right to inspect the condition of munition manufacture and armament in each state and a right to verify the returns made by the state. And the Conference has turned that down.

The three things which have always stood in the path of peace up to this time are right there—writ large in the body of this document which we are asked to accept; and in the center of it is the voting trust proposition which gives political power to a small group of dominant nations not acting on principles of conciliation and conference, but just exactly as voting trustees act under similar circumstances.

With regard to Article 10, which is the blanket guarantee of territorial integrity and political independence of the nations of the world as against external aggression—that stands just precisely as it stood in the original draft. It is the provision by virtue of which, if we take our obligations seriously, the United States will be involved in every war in the future without an opportunity to determine on which side she will fight. I am not opposed to the United States giving all the guarantees that are needed to make the peace which shall be expressed in the Treaty of Peace firm, permanent and secure. I am in favor of having

the United States back, with men and money, every specific guarantee which is necessary to make the peace treaty effective, and the settlements under the treaty reasonably permanent. But I am absolutely unwilling to stand by and see the United States, without protest, sign its name to a guarantee which is blank respecting the obligation, leaving it to the future history of the world to fill in the body of that obligation. This thing must be amended. It must be amended carefully. It must be amended wisely. It must be amended radically. Unless we see to it that our representatives in the Senate have the unhurried and unpressed opportunity to do that thing, we shall be defaulters to our civic responsibility.